

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Lars WINTHER et al.)	Group Art Unit: 1797
)	
Application No.: 10/539,308)	Examiner: Shogo Sasaki
)	
Filed: June 16, 2005)	Confirmation No.: 2746
)	
For: APPARATUS FOR AUTOMATED)	
PROCESSING BIOLOGICAL)	
SAMPLES)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement mailed September 10, 2009, the Examiner required restriction under 35 U.S.C. § 121 between Group I, claims 1-32 and 40-71; and Group II, claims 33-39.

Applicants provisionally elect to prosecute Group I, claims 1-32 and 40-71, characterized by the Examiner as being drawn to an apparatus for automatic processing of a biological sample with a climate control, **with traverse**.

The Examiner alleges, "[t]his application contains . . . inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1." (*Restriction Requirement*, p. 2, para. 1). The Examiner further states, "[t]he inventions listed as Groups I and II do not relate to a single general inventive concept . . . because . . . they lack the same or corresponding special technical features

for the following reasons: The special technical feature of Group II is a step of ventilating an interior of a processing apparatus with air exchanging means. An element capable of performing such process is missing from Group I.” (*Id.* at p. 2, para. 2). Applicants respectfully disagree.

Applicants submit that the “at least one climate control device configured to control the environment within said interior space,” as recited in claim 1 of Group I, in combination with “wherein the climate control device comprises a ventilation system configured to automatically exchange the air in the interior space,” as recited in claim 16 of Group I, recite the same special technical feature as that of Group II identified above (a step of ventilating an interior of a processing apparatus with air exchanging means). Accordingly, Groups I and II relate to a single general inventive concept.

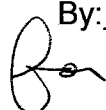
Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.



Dated: October 9, 2009

By: MARK D. SWEET Reg. No. 41,409
 Anthony C. Tridico
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